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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,494	11/24/2003	Michael A. Tremblay	10005386-2	4550

7590 11/10/2004

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EXAMINER	
ALAM, SHAHID AL	

ART UNIT	PAPER NUMBER
2162	

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/720,494	TREMBLAY, MICHAEL A.	
	Examiner	Art Unit	
	Shahid Al Alam	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 September 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 – 6, 8 – 14, 17 – 18 and 24 – 31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 – 6, 8 – 14, 17 – 18 and 24 – 31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 – 6, 8 – 14, 17 – 18 and 24 – 31 are pending in this Office Action.

Response to Arguments

2. Applicant's arguments filed 16 September 2004 have been fully considered but they are not persuasive for the following reasons.

Applicant argues that to anticipate a claim, the reference must teach every element of the claim, Amro does not monitor multiple events and determine whether a series of the events is unrelated, a prima facie case of obviousness was not established, Wu does not teach or suggest monitoring multiple events and determining whether a series of the events is unrelated and Wu do not have any connection to events occurring on the user's system

Examiner respectfully disagrees the entire allegation as argued. Examiner, in his previous office action, gave detail explanation of claimed limitation and pointed out exact locations in the cited prior art.

In response to the Applicant's argument that to anticipate a claim, the reference must teach every element of the claim, Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification.

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecussion and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

In response to applicant's argument on page 7, a prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art. Once such a case is established, it is incumbent upon appellant to go forward with objective evidence of unobviousness. In re Fielder, 471 F.2d 640, 176 USPQ 300 (CCPA 1973).

In response to applicant's argument that Wu does not teach or suggest monitoring multiple events and determining whether a series of the events is unrelated and that Wu do not have any connection to events occurring on the user's system, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

Examiner uses Wu reference because Wu discloses the steps of prompting a user for search terms and conducting a hierarchical search utilizing search terms (column 2, lines 48 – 57, column 3, lines 50 – 53 and column 6, lines 13 – 30 and 53 - 55; Wu). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was to combine the teaching of Wu with the teaching of Amro, because combination would provide for efficient storage of hierarchical data while allowing searches to be performed taking into account relationships among data elements in a hierarchy (column 2, lines 60 – 63; Wu).

In response to applicant's argument that Amro does not monitor multiple events and determine whether a series of the events is unrelated, Amro's teachings of utilizing a monitoring program to monitor a plurality of events for the application; determining if a current event of the plurality of events is a spy event; if the current event of the plurality of events is a spy event, then displaying a help text corresponding to the current event of the plurality of events. Again Amro determines if the current event of the plurality of events is a user event if the current event is not a spy event. If the current event is a user event, then the help text corresponding to the current event of the plurality of events is updated according to a user text update. Amro's method uses a monitoring program which allows users to create customized help texts for any application. If the event is neither a spy event nor a user event, then it is another type of GUI event and the monitoring program handles it accordingly, via step 218. The monitoring program then loops back to the beginning of the event handling loop to await the next event. This continues until the monitoring program is terminated. As disclosed above, Amro clearly teaches plurality or multiple or series of events and clearly teaches monitoring events and since Amro's teachings compare to show that a series of events are related or unrelated, Amro's teaching clearly teaches Applicant's claim language.

In view of the above, the examiner contends that all limitations as recited in the claims have been addressed in this Action.

For the above reasons, Examiner believed that rejection of the last Office action was proper.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 24, 25 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 24 – 26 are dependent system claims and these claims are dependent on claim 1, but claim 1 is not a system claim rather claim 1 is a computer readable medium claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 24, 25 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,339,436 issued to Hatim Amro et al. ("Amro").

With respect to claim 1, Amro teaches providing assistance to a user (column 1, line 42 – 44), comprising:

monitoring user events (column 1, lines 44 – 46);

determining whether a series of user events is unrelated (column 1, lines 50 – 52); and

offering assistance to a user, wherein said offering assistance is operable upon determination by said determining that said series of user events is unrelated (column 1, lines 46 – 55).

As to claim 24, analyze a timing relationship between events in said series (column 2, line 59 – column 3, line 13).

As to claim 25, determine whether a plurality of menus is accessed by said user without invoking a program action associated with said plurality of menus (column 4, lines 1 – 15).

As to claim 26, emptying an event queue of said plurality of user events when said code for determining determines said plurality of user events are related (column 3, lines (column 3, lines 30 – 67).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amro.

As to claim 2, Amro teaches all the steps to provide assistance to a user, however, Amro does not explicitly discloses executable instructions are operable to execute as a modification to an operating system as claimed. Amro discloses a method and system of providing monitoring program which runs synchronized with the application but in the background. When the application running with the monitoring program . . . as part of the application (column 2, lines 27 – 32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was to modify "executable instructions are operable to execute as a modification to an operating system" as disclosed by Amro. This modification would have been allowed the teaching of Amro to provide user-defined dynamic help text which is displayed integrally with the application (column 1, lines 42 – 44).

8. Claims 3 – 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amro as applied to claim 1 above, and further in view of U.S. Patent Number 5,991,756 issued to Jiong Wu ("Wu").

As to claim 3, Amro teaches all of the above limitations except that he does not explicitly teach the steps of prompting a user for search terms and conducting a hierarchical search utilizing said search terms as claimed.

Wu discloses claimed user search terms and conducting a hierarchical search utilizing said search terms (column 2, lines 48 – 57, column 3, lines 50 – 53 and column 6, lines 13 – 30 and 53 - 55; Wu).

It would have been obvious to one of ordinary skill in the art at the time of the invention was to combine the teaching of Wu with the teaching of Amro, because combination would provide for efficient storage of hierarchical data while allowing searches to be performed taking into account relationships among data elements in a hierarchy (column 2, lines 60 – 63; Wu).

As to claim 4, conducting is operable to search user websites when information is not obtained locally on a system executing said conducting (column 4, lines 16 – 20, lines 40 – 48 and column 12, lines 56 – 58; Wu).

As to claim 5, presenting search results to a user (column 3, lines 26 – 31; Wu).

As to claim 6, receiving user input selecting a search result of said search results; and designating said selected search result in a user profile stored locally on said system executing said conducting (column 6, lines 53 – 62; Wu).

Claims 8 – 14 and 27 – 29 are essentially the same as claims 1 – 6 and 24 – 26 above except that it set forth the claimed invention as a method rather than a computer readable medium and rejected for the same reasons as applied hereinabove.

Claims 17 – 19 and 30 – 31 are essentially the same as claims 1 – 6 and 24 – 26 above except that it set forth the claimed invention as a system rather than a computer readable medium and rejected for the same reasons as applied hereinabove.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahid Al Alam whose telephone number is (571) 272-4030. The examiner can normally be reached on Monday-Thursday 8:00 A.M.- 4:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571) 272 - 4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shahid Al Alam
Primary Examiner
Art Unit 2162

5 November 2004